

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 1, 1973  
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Absent: None

The Invocation was delivered by REVEREND JOHN PRICE, St. George's Episcopal Church.

## APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of January 26, 1973. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

## PUBLIC SCHOOLS WEEK

As the Council felt that the best way to develop widespread understanding of our schools was by personal inspection, the Mayor proclaimed the week of March 5 through 9, 1973, as the "Twenty-Third Annual Public Schools Week in Austin", and invited the citizens to become personally acquainted with Austin schools and their accomplishments.

## CEREBRAL PALSY WALKATHON

The Mayor proclaimed March 3, 1973, as "United Cerebral Palsy Walkathon Day" and urged all residents to join him in recognizing this vital community contribution and participate in the effort to insure this program will be continued.

## SAVE YOUR VISION WEEK

Mayor Butler proclaimed the week of March 4 through 10 as "Save Your Vision Week" in Austin and urged all citizens to recognize the significance and to participate in the programs and activities designed to place greater emphasis on vision care.

## STREET VACATION

Councilman Nichols moved the Council close the 10:00 A.M. public hearing and authorize the vacation of the following street:

SPANISH BLUFF DRIVE, from Presidio Road, easterly to termination of street.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Handcox, Mayor Butler,  
Councilman Dryden  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman

## AMENDMENT OF CONTRACT

Councilman Nichols moved the Council adopt a resolution authorizing amendment of contract with the Capital Area Planning Council for Minority Intern Program by increasing the number of interns for a new total project cost. Total cost is \$30,750: HUD - \$20,500; City in-kind contribution - \$10,250. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilmen Dryden, Nichols  
Noes: None

## RECEIPT OF STOCK

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into an agreement acknowledging receipt of 35 shares of Coca Cola Common Stock for the "Jack and Mary Taylor Fountain Fund" and governing disposition of proceeds from dividends and/or sale of the stock. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilmen Dryden, Nichols, Mayor Pro Tem Love  
Noes: None

## OPEN SPACE GRANT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a contract with the Department of Housing and Urban Development for an open space grant for park and greenbelt acquisition. Total cost is \$1,611,012: HUD - \$805,506; City of Austin - \$805,506. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen  
Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann  
Noes: None

## EMINENT DOMAIN PROCEEDINGS

Councilman Nichols moved the Council adopt a resolution authorizing eminent domain proceedings for acquisition of an enclosed storm sewer easement on the following property:

All of the north ten feet of Lot 5, Chernosky Subdivision No. 13.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

## DEVELOPMENT PLAN AMENDMENT HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing for March 15, 1973, at 10:00 A.M. on the following amendment to the Austin Development Plan:

The designation of approximately 410 square miles of land within the extraterritorial jurisdiction of the City of Austin as Suburban Residential and Low Density Residential in certain watersheds - C2-72-6. (Postponed 90 days from December 14, 1972)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox  
Noes: None

## ANNEXATION ORDINANCE

Mayor Butler brought up the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 144.56 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAI SURVEY AND 52.63 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; ALL BEING

LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

The ordinance was read the second time and Councilman Nichols moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

#### ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: TRACT A, SOUTH CREEK, SECTION II, LOCALLY KNOWN AS 1809-2001 NORTH BLUFF DRIVE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled for this time to consider the annexation of the below described property. No one appeared to participate. Mayor Pro Tem Love moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

10.77 acres of land out of the JAMES ROGERS SURVEY - unplatted land. (requested by owner)

Total of 56.38 acres out of the George W. Davis Survey:

1. 30.02 acres - GRAY and BECKER INDUSTRIAL SUBDIVISION. (requested by owner)
2. 1.12 acres - portion of RUTLAND DRIVE and portion of private lane. (initiated by City of Austin)
3. 25.24 acres of land, more or less - portion of RUTLAND DRIVE, portion of private lane and unplatted land. (initiated by City of Austin)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilmen Dryden, Nichols, Mayor Pro Tem Love  
Noes: None

Mayor Pro Tem Love moved the Council close the hearing on the portion of the annexation and direct the administration to institute annexation proceedings to annex the following:

Total of 493.27 acres:

1. 23.57 acres of land out of the GEORGE W. DAVIS SURVEY - unplatted land. (requested by owner's representative)
2. 1.8 acres of land, more or less, out of the GEORGE W. DAVIS, JAMES P. WALLACE NUMBER 18, JAMES ROGERS and JOHN APPLGAI SURVEYS - portion of Farm to Market Road 1325. (initiated by City of Austin)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen  
Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann  
Noes: None

Discussion ensued on the following item:

457.9 acres of land, more or less, out of the GEORGE W. DAVIS, JAMES P. WALLACE NO. 18, JAMES ROGERS and JOHN APPLGAI SURVEYS, ALLEN SUBDIVISION, ACME BRICK ADDITION, Resub. of Part of Tract 2, ALLEN SUBDIVISION, CHEM-PRODUCTS ADDITION, Partition of Part of MRS. O. M. ROBERTS ESTATE, Resub. of Lot 1, MRS. O. M. ROBERTS ESTATE, Resub. of the No. 80' of Lot 2 of the Partition of MRS. O. M. ROBERTS ESTATE, RUTLAND ACRES, Resub. of Lot 1, RUTLAND ACRES, RUTLAND ADDITION, RUTLAND DRIVE ADDITION, unplatted land and portions of RUTLAND DRIVE, OLD WATER'S PARK, McNEIL ROAD and the TEXAS and NEW ORLEANS RAILROAD. (initiated by City of Austin)

Planning Director Dick Lillie gave a resume as to the necessity for bringing tracts before the Council for consideration of annexation. This particular area is about 470 acres, 458 of which is land and 12 of rights-of-way. He located the area on the map in the vicinity of F.M. 1325 and Hwy. 183.

Mr. Lillie pointed out about 470 acres in the Kramer Lane area, 50% being underdeveloped. He pointed out the properties which were requested by the owners for annexation--a 23 acre tract, 55 acres partially requested by the owner and the other initiated by the City; Kramer Industrial Park; and the City initiated annexation for the adjacent property. He noted the area in the Austin Development Plan designated Industrial. Abutting land is developing as residential uses, apartment, and light industrial uses; and west of 1325 - industrial uses. The area is serviced with utilities. There are water districts, and about 40-50 acres in Water District 11 of which, if annexed, the City would have some responsibilities to purchase some part.

Mayor Pro Tem Love inquired about the industrial designations under the Master Plan. Mr. Lillie reported there were about 3,000 acres designated as Industrial. If the area is annexed, he would recommend that the City initiate a zoning case for the whole area, changing the industrial to conform with the Master Plan rather than having individual zoning cases.

Mr. Lee Williamson, President of KIM Produces, 2500 Rutland Drive, opposed the annexation as he saw no advantages. Mr. Lillie pointed out services would be available, and building and zoning codes would be in effect.

Mr. Williams reported his residence was annexed 14 years ago; and at this time he still is not connected with the sanitary sewer system. His residence is at 5606 Koenig Lane. The Mayor stated he would get the answer to this report.

Mr. Bertrees, whose property was in the 457.9 acres near the vicinity of Economy Furniture Company (about 14 acres), did not believe the City services could be extended to this land-locked area, and favored deferring this annexation until roads were developed.

Mr. Sandy Bauman, President of Construction Chemicals, 1325 Rutland Drive, stated they are half in the City now, and if they expand they would gain only more taxes.

Mr. C. R. Walters, Alamo Steel and Machine Company on Rutland Drive, saw no incentive to be annexed only to get placed on the Tax Rolls.

Mr. E. F. McCoy, owner of 2.9 acres, expressed concern over inability of constructing sewer connections. It was stated these properties in this section could be served.

Mr. Doug Holman purchased property outside of the City as he wanted inexpensive warehouses and freedom of space. He is developing additional buildings under the City codes.

Mr. Tom Curtis, on behalf of Economy Furniture and their related activities, owner of 30 acres west of the Southern Pacific Tract and about that much east, was interested in the contract route wherein enforcement might be cured with a covenant in the contract. His client had no advantage in being annexed; and he suggested

that the Council delay this annexation and let them work out a contract.

Mr. Kelly McAdams stated if the area is to continue industrial this matter should be deferred. If it is to be residential, the area should be brought in now. Discussion was held by the Planning Director as to zoning the area industrial; and that Mr. McAdams could request a roll back of the Plan or the zoning to residential.

Mayor Butler explained that annexation is not based on revenue from taxes, but was to protect the quality of Austin's development.

Mr. Jim Mackey opposed the annexation at this time and asked that this be postponed for about three years when the property has developed.

Lengthy discussion ensued between Councilman Lebermann and Mr. Tom Curtis. Councilman Lebermann spoke on an overall plan around the City in appropriate locations and where the consensus of the land users feel that it is important to them and their affairs. He asked what would this do to the rating when the City talks with the bond experts. City Manager Davidson stated the Council was speaking about providing water and sewer to the perimeter areas that would request annexation or ultimately be annexed in the next 5 to 10 years. There is not sufficient money in the C.I.P. at this time nor could there be with current revenues coming to the City to finance all that it is being asked to provide. City Manager Davidson stated they were discussing the cut back of federal fundings and an increase in the number of requests to the City to extend water and sewer mains out to the corporate limit, either through instituting a sewer charge for that purpose, an adjustment of rates, or an increase in the ad valorem tax rates. There will have to be new methods to finance these improvements.

Mr. Davidson pointed out on the map a new fire station constructed to provide adequate fire protection for the industrial area. He explained the difficulty in justifying utilities, for instance the fire station, unless there is some plan as to when these areas are to come into the city.

He stated if the Council is considering this type of device, he suggested that the Council delay this matter until they could complete an annexation-utility extension study which the Staff had started about three weeks ago. The City Manager reported that there are some questions that he could not answer just now as to what this plan would do to the City's credit rating as far as financing future utility issues and future general obligation bonds.

Councilman Lebermann stated there were some genuine problems reaching beyond this specific request here.

Mayor Pro Tem Love suggested that the Council pursue the City Manager's recommendations having to do with the feasibility in terms of the City's capability with the funding it has along with the best research that Mr. Curtis could bring in through his clients and interested parties, and take no action today. He stated he was not dedicated to the contract as being the best solution. Mayor Butler noted the seven year contract was to encourage people to build new plants and get the plant in operation before they would be responsible for the taxes.

Councilman Lebermann stated while the City Manager was getting the information the City Manager has been discussing, that Mr. Curtis, Planning Director Lillie, and City Attorney Don Butler could be discussing this also. Councilman Lebermann said some of the problems in relation to services offered and inadequate income to actually underwrite those services is critical.

After further discussion, the Council delayed this item for 60 days.  
(May 3, 1973)

#### LEASE OF LAND TO JUNIOR ACHIEVEMENT

Mr. Richard Brown, President of Junior Achievement of Central Texas, said Junior Achievement in Austin is two years old. He described the youth organization of boys and girls in Junior High and High School. This organization is supported by businessmen in Austin, and is a non-profit organization. Its purpose is to give teenagers a learning experience in the economic system of the United States to see how it works. He described their activities--they establish businesses and run them, perhaps with a profit, perhaps not. They declare dividends and turn the money back to the investors. In order for these youngsters to meet and plan, manufacture their products, and plan their corporations, they need a building. Mr. Brown proposed the leasing to Junior Achievement of a piece of land at \$1.00 a year on which Junior Achievement and the businessmen could erect a building. They would like as long a lease as possible.

Mr. George Page estimated the amount it would take, and the property in question, 2.7 acres. It was pointed out the City had no plans for this piece of property. Mayor Pro Tem Love inquired whether the building would be available to the City of Austin for various purposes during the school year and during the dormant months for arts and crafts. Mr. Page stated it would, and stated this building would have dangerous machinery which would have to be used under supervision. This could be locked off during use by the City. Mr. Brown stated Junior Achievement would be responsible for maintenance of the grounds.

Mayor Butler mentioned the zoning that would be needed with a deed restriction to return to residential use. After discussion, Councilman Nichols moved the Council adopt a resolution authorizing a lease agreement for \$1.00 and bring it back to the Council. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

#### CLOSING OF 27TH STREET

Councilman Nichols moved the Council grant the request of Mr. Doug Bogard, representing the Interfraternity Council, requesting to appear before the Council to request the temporary closing of West 27th Street between Guadalupe and Nueces, in connection with a blood drive for the Travis County Blood Bank during Round-Up Week. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox



## CRIME REDUCTION PROGRAM REPORT

Mayor Butler presented his report on the Crime Reduction Program which was adopted by the City Council one year from this date. As a result of his request and Council approval, a broad program of strong support for the Austin Police Department was stepped up, and he could report to the citizens that this program had been remarkably successful and crime has been reduced in this City. Their faith in the Austin Police Officers is confirmed. He outlined some of the procedures which brought this decline in crime -- that given the extra assistance and manpower crime could be reduced.

Statistics show for the first nine months of 1973, of the 17 U.S. cities between 200,000 and 300,000 in population, Austin ranks next to the last in total crimes, and in crimes per 1,000 population. Statewide, the FBI ranks Austin 7th lowest in crime, with the lowest rate of crime per 100,000. In comparison with 1971, crime increased 22.5% over the first 9 months of 1970. During the first 9 months of 1972, crime decreased 6%. He added that the authorized strength for sworn personnel has increased the ratio of Police Officers from 1.9 to 2.4 per 1,000 population. Revised patrol areas changed the City from two to four patrol areas, and 12 new districts were added to accomplish quicker response time. The communications and reporting equipment along with the various other programs are providing additional support to the Police Officers and more rapid response with greater efficiency to crime in all areas of this city.

The reorganization of the Criminal Investigation Division has resulted in large increase in the clearance rate for homicide and robberies. He listed other programs that have helped -- Operation Identification, Radio-Alert, and community relations providing greater liaison between residents and the Police Department. He reported it has been 12 years since there has been a reduction in the index crime rate. Mayor Butler joined with members of the Police Department, Municipal Administration, and his colleagues on the City Council in taking pride in this outstanding record of accomplishment; and promised to continue the efforts and improving existing programs.

City Manager Davidson stated the administration is extremely proud to have a part in this program.

Chief Bob Miles stated real progress had been realized, of which all may be proud. Of the ten larger cities, Austin with 24 crimes per 1,000 had the lowest rate. Of those cities, with 6,052 index crimes, Austin was 7th. Only Lubbock, Amarillo and Beaumont had fewer index crimes. Nationwide, Austin rates 16th in both crimes per thousand and total number of index crimes. He stated this reduction in index crimes was the first since 1961. Prior to that time there had been a steady climb each year, 1971 showing a 22.5% increase.

Assistant Chief Phifer expressed enthusiasm in the Crime Reduction Plan set forth by the City Council last year, stating it was the most progressive step the Police Department had taken in recent years. When the plan was initiated, there were 358 authorized officers; now there are 454. By the end of this budget year, all of the new men will be on the streets.

Deputy Laws thanked the Council for its interest and efforts in this program; stating as a result of that interest and effort, they had been able to develop many innovative programs and plans. A full time Police Legal Advisor had been employed, resulting in great assistance to the Police Officers in the field. An automated

reporting-transcribing unit had been installed in the building, so that officers could call from the field and give their report in progress. Now they are experimenting on a project to provide electronic location of all field patrol units; and in addition, they have embarked on updating the entire communication system and provide not only communication in Austin but would be the hub for police communications in the 10 counties.

Major Doyle stated when a burglar is arrested with his gloved hand in someone else's safe at 3:00 A.M., it is difficult for him to fabricate an alibi; when a rapist is caught with his victim still locked in the trunk of his car, no written confession is needed to get a conviction; when a check forger is arrested as his intended victim is handing over the cash, he is not likely to pass any more checks for a little while. Major Doyle stated these are a few actual examples of arrests that have been made with increasing frequency since this plan went into effect. This is the kind of service that more policemen working smaller districts answering calls almost immediately can give. It is really what this crime reduction plan is all about and the Police are proud and grateful as all Austin citizens should be that we are getting enough men to do the job that should be done.

Councilman Nichols stated he was proud to hear that the morale of the Police Department is getting better all the time.

Major Rosen expressed sincere appreciation to each Councilman for the wonderful job they had been doing. Since the Crime Reduction Plan had become operational, 13 minority men had been employed for police officers. There are four black Americans, and nine Mexican Americans, and they were proud that those people had joined with the team. A chemist had been hired, and the lab is in the process of being established at this time. The Central Records System had been reorganized and a specialist hired to be in charge of the record system. He stated other programs were in the process of finalization. He expressed gratitude for the fine reception given the Police Department.

Major Biggerstaff reported the clearance rate in 1972 on five of the major index crimes has increased. He listed the Radio-Alert Program and the Operation Identification programs of which they were proud. There are 600 citizens in the Alert Program reporting on items needing investigation. By placing more men on the street as the Council authorized, they can answer these calls, investigate and clear more crimes next year. They continue to cooperate with all area law enforcement agencies to further reduce crimes.

City Manager Davidson pointed out that any time an idea such as the Mayor's Crime Plan was initiated, and the policy backing of the Council, along with the kind of professional people in the City Departments as was present today, success would be difficult to avoid. He stated he, too, was pleased to have had a part in being able to report the success story of this crime plan for the City of Austin.

Councilman Lebermann stated with the kind of success of this plan, that substantial recruiting success had been enjoyed, and that is a proud aspect and ancillary feature of this plan.

Councilman Nichols noted it is well to remember that this plan was put into operation; and at the same time the tax rate was reduced, thus showing the efficiency not only of this department but of the whole City administration.

Councilman Friedman emphasized the fact that the morale is on the improving side. He stated credit was deservedly due to the Mayor's Plan and the support that the Council was able to give.

Mayor Butler asked Chief Miles if it were not true that through this plan adopted by the Council that he was given authority and funds to recruit more officers and that the rate of attrition had slowed down. Chief Miles agreed that was correct.

Mayor Butler commented that most of the plans they had were funded by federal programs through the Criminal Justice Department, and stated the staff had been alert in securing the necessary funds.

#### Report on Meeting with Groups in East Austin

In answer to one speaking from the audience regarding the incident at the Latin Quarters, Mayor Butler reported a meeting had been held with some of the east Austin community just yesterday, and a suggestion for a solution to one of the factors brought up at the hearing was presented to them.

Out of three or four requests, the Council felt the most important one was in the areas of alleged misconduct by a Police Officer.

The group had asked that a body be created that would have subpoena power and the authority to deal with policemen. The Mayor replied that the Council had no subpoena power or the authority to fire any policeman under the Charter. He stated they wanted to talk with some of the other representatives -- the east side community primarily -- and they would be ready to present the matter to the public. The City Attorney and Chief of Police were working on a plan whereby they could adopt some of the requirements into the current training and hiring practices that would be in the public interests. He emphasized there was no Civilian Review Board contemplated. Several members of the Council expressed opposition to a Civilian Review Board.

The Mayor thanked the group for their interest and cooperation.

#### POOR BOY ART FAIR

Mayor Pro Tem Love moved the Council grant the request of Mr. Tillman E. Johnson, President of Northwest Sertoma Club of Austin, to use City-owned land between West Riverside Drive and the River and bounded on the East by South First Street, for the purpose of conducting the Spring Poor Boy Art Fair on April 14th and 15th. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

CITY OPERATION OF SEWAGE TREATMENT PLANT  
AND IRRIGATION SYSTEM  
OWNED BY TRAVIS COUNTRY UTILITY DISTRICT

This was postponed from February 22, 1973. Mr. Sheppard was present representing Travis Country Utility District and the owners of the subdivision. In order for the City to operate this plant and irrigation system, the streets and drainage, curbs and gutters, and culverts must meet City standards. The question was what would happen when the City would annex this land sometime in the future. The subdivision will get its water from Water District Number 9. This will be individually billed and not wholesaled to the district, therefore, this has none of the aspects of a Municipal Utility District. Travis Country will have a refund contract with Water District 9.

The proposed contract with the City would exclude everything on the basis of repurchase, as in Paragraph 11, Page 6. Mr. Sheppard had some qualms about the wording after "further, the owner...". He felt that the language could mean that if the City took over the package plant and irrigation system, there would be no compensation to the owners. It was definitely not planned at this time for the City to ever take over this treatment plant and irrigation system. However, if the policy changed in the future, the City still had the option to make a refund contract, but only at the City's option. There was some discussion regarding an elliptical steel culvert at the entrance way to the subdivision; this did not meet City standards. Mr. Sheppard explained that when the Mo-Pac Expressway came through, there would be a revision of the entrance way, and the culvert would be changed. A question arose over the annexation of the Water District when Travis Country was annexed. If a part of the Water District were annexed, usually the rest of it is, because the people would be in an intolerable situation otherwise. The City's concern in that is the financial posture of the Water District. As far as an escalation clause for the contract to operate the plant, Travis Country will pay the actual cost whatever it is. If other factors change, the contract can be renegotiated. If the owner should construct additional facilities on the property that would be covered also.

Councilman Dryden was interested in land being set aside for parks now. Mr. Sheppard felt that the subdivision would have to be developed before it could be decided on land for a park. He pointed out that it would be fine if there were park land adjacent to the school site. The City would have to make a deal with the School Board. Councilman Nichols noted the City had no definite policy on this. The City Manager said this would be brought back to the Council. There are plans for some green area along the creeks. Mr. Sheppard would be happy to work out something with the Council, even perhaps a district park, but would prefer to wait until the master plan can be brought to the City. The contract with the City is necessary to get FHA and VA financing.

Mayor Butler felt that after discussion the only thing still not settled was the question of park land, the amount of acreage, the location, and the price; and there would be a meeting Monday, March 5, at 5:00 P.M. and this would give Mr. Sheppard and his people 2 or 3 days to arrive at some sort of agreement, and it could be approved Monday.

## CONSUMER PROTECTIVE ORDINANCE CONCEPT

Mayor Pro Tem Love wanted to discuss a matter not on the agenda pertaining to the Consumer Protective Ordinance concept, which had been promulgated by many citizens in the Community. As a matter of personal privilege he referred to an article appearing in the Daily Texan, February 23rd and 26th edited by Mr. Powell, that this Council had believed that such an ordinance should be passed before hand and had "chickened out" because of vile threats by certain people of the business sector or the GAA. Mayor Pro Tem Love emphatically stated that was not so; that under no circumstances had he been approached, nor would he consider an approach by those in the business sector or any other sector. He wanted it clear that at no time did he agree before this issue came up before the public hearing that he was going to vote for the ordinance as it was presented. Councilman Nichols *stated this would apply to him also, because he had no agreement with anyone nor* did anyone from the audience frighten him or anyone else. It just simply is not the case in this instance. Councilman Handcox went on record concurring with what Mayor Pro Tem Love and Councilman Nichols had just stated. Councilman Dryden said he had not been approached by any particular group; nor had he been approached prior or since.

Mayor Butler added that the article to which Mayor Pro Tem Love is referring did quote one of the Council members. He has since written and said that he was misquoted, and it was good that he set the record straight, because it certainly was a slur on any number of the six other Councilmen; No. 1, that the Council was committed, and No. 2 that it backed out. Neither case was true.

Councilman Lebermann made a statement in that he and the Mayor had been visiting with TexPIRG and the other groups in an attempt to bring forward a *sensible, workable, reasonable consumer protective ordinance in this community*, and he certainly did not want to have been put on record in the minds of students or citizens of Austin, that he had made a decision and had turned about on it. That was not the case. He stated the Councilmen were in the Council Chambers Wednesday night before the Thursday night hearing, discussing whether or not an ordinance should be brought forward since there usually is more than one hearing on a broad base comprehensive program, such as consumer protection. It was the general consensus that it should not be. That was his feeling at the time and he was delighted that the several parties are getting together and the program is moving forward.

Councilman Friedman stated the responses from the Council are adequate, and the record had been set straight. He stated the Council had received copies of the letter clarifying the record, and it was his hope that this would end the situation, and that those who heard the reports on the news on Friday or on the weekend are *in complete knowledge that nothing that was indicated in the editorial* was ever said. The editorial did have some mistaken statements, and that is something that has to be taken up with the editor who wrote the editorial. Mayor Pro Tem Love filed a copy of the editorial and a copy of the letter denying the accusations.

## PROFESSIONAL CONSULTANT

The Council had before it the selection of Professional Consultants to provide engineering services in connection with the following 1973 Capital Improvements Program Project:

24th and 25th Streets and Lamar Boulevard Grade Separation  
(Preliminary Study) - Project No. 6536 0

Councilman Handcox asked for a delay on this item since the Council had been talking with the University people who wanted to get together with Planning before the bid was awarded. The City Manager stated this award was not a design contract. Mr. Ternus, Traffic and Transportation Engineer, explained this is an alternative study that they have available on Lamar at 25th and 24th. The study is necessary to be able to evaluate the alternatives and discussions underway at this time with the representatives of the University area. According to the consultants, this project could be completed by May 1, in order that a public hearing could be held about the middle of May before the students leave. If the contract is delayed, the study could not be provided nor provide the alternative until after the students leave. He stated it was in the best interests to the Council, students, and the citizens to conduct this study so that the Council would be aware of all of the alternatives available to the City.

Councilman Friedman stated that one of the reasons that the University SUN was before the Council, was if this hearing was held in the middle of May, the students could not participate as they would be taking final examinations. If it is delayed he was of the opinion that the students should have an opportunity to meet with Mr. Ternus and Mr. Lillie and get back with the Council before the Council goes further and spends any funds on any project there. The City Manager and Mr. Ternus were ready to start meeting with the students immediately whether or not this study was completed. City Manager Davidson said it is recognized that going through the park and the University area, there are environmental considerations that have not shown up previously on Public Works projects. It is recommended that the estimated \$16,000 for this particular study be spent even though it is not a study that would be recommended on most other C. I. P. projects. Whether this study is available to the students now or when the Council receives the study, it could be held until September before doing anything further. The City Manager stated they would like to proceed on this so that they could answer the questions the students might have. Councilman Friedman stated the question was "should the Council do anything to Lamar now"? The Traffic and Transportation Director pointed out that this study at this time would allow the students to have input in the project.

Mayor Butler's suggestion to Mr. Ternus was to come up with a study as to whether or not they were going through with the street; and if that project is negative there would be no study on crossing Lamar. Councilman Lebermann said this is a communication problem with SUN and all interested parties. The Mayor suggested that Mr. Ternus meet with the students and come back to the Council with a recommendation in about 30 days.

Mayor Pro Tem Love suggested that this be delayed 30 days. The Council agreed then to delay this matter for 30 days.

## PUBLIC HEARING - SPECIAL PERMIT

This special permit is unusual in that it is a neighbor who is appealing instead of the applicant. This case originated in 1969 as a zoning case requested by Mr. Wallace Mayfield, and at that time was limited to 12 units per acre. This special permit was requested to allow "BB" Residence zoning density of approximately 20 units per acre. It was granted to Redman Industries by the Planning Commission with one driveway location which extends to Cima Serena and provides for right-of-way for MoPac Expressway. Now this is appealed by one of the neighbors, Mrs. Julia E. Matelski, who felt that too many trees would have to be cut down with this much density.

The recommendation of the staff was that the site plan be approved as it stood. The Mayor felt if the neighbor's request were approved, this would in effect be a roll back. Mr. Schumacher, representing the Balcones Civic Association, appeared and said that because of the size and location of the tract, only 3 people had been notified. Mayor Butler noted that 3 people appeared at the Planning Commission meeting and had no objection. Mr. Schumacher said they did not have enough notice to decide their position on this matter, and there are now petitions signed by 342 people who live in neighboring subdivisions. He would like to see notices sent to people in neighboring subdivisions, and not just to those within 300 feet. The Planning Director stated that the legal requirement was to those within 200 feet, and they were now sending them to those within 300 feet. Also associations representing neighborhood groups can call in every month and they will be told of any proposed changes in the neighborhood.

Mr. Jim Purdue of the Northwest Austin Civic Association noted that the petition made reference to the earlier zoning, which was for 7.6 to 12 units per acre, which the neighbors would like to be the requirement. Mr. Enoch Broyles mentioned that the proposed apartments would crowd the existing school. The people represented would like to see a lower density.

Mr. Richard Baker represented Redman Industries, and was their counsel when this special permit came before the Planning Commission and the City Council to request removal of the 12-unit limitation that had been imposed on this property in 1969. Since that time Redman Industries has bought the land involved. At the time of the hearing there was a restriction of 15 units per acre within 130 feet of Cima Serena, south from Cima Serena and west of the driveway. It was pointed out to the neighbors that 456 units could be built on the land now under one roof. If every unit is an efficiency, something like 23 units per acre could be built. Councilman Friedman felt that the arguments being made now should have been made in December, 1972, and this had already been decided then. Mr. Baker counseled with Mr. Hillis, Vice-President of Redman Industries, and advised the Council that because of the money and time involved, Redman could not reduce the density, but is willing to postpone this for whatever period of time as is necessary to work matters out. As far as reducing the density, the City Attorney pointed out that this would be a rollback and would require a zoning instituted by the City, proceeding through the Planning Commission and back through the Council. Mr. Schumacher would like to take some time to work with Redman Industries. The City Attorney read the portion of the City Code dealing with special permits. It was decided that the parties involved would come back in two weeks, or in one if they could get the matter decided in that time. The date set was March 15, 1973, at 2:00 P.M.

REQUEST TO TRANSFER  
TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT 12

Mr. John Davenport, President Travis County Water Control and Improvement District 12, asked about the policies of the Council. Water District No. 12 made a contract with the City of Austin in 1958, whereby the City would furnish the district with water at 1-1/2 times the residential rate for the City. They have operated under that contract all these years. A portion of the contract calls for the ability of the City on any interest bearing date, March 1 or September 1, to take over the Water District operation. The contract indicates the price the City would pay for that and calls for the amount of the bonded indebtedness.

Under that contract, they had made submission last November, in which they tendered the District to the City. They submitted their audit and an engineering report made by an independent engineering firm. At that time the Finance Department and the Water and Wastewater Department made a study and have published their findings. They were concerned about the City's requirement of an assured return of 6% on the entire City's capital investment during the next 5 years. Mr. Davenport felt that was a reasonable request, and the City would have an insured return but not within this five years. Mayor Butler reported to Mr. Davenport that the City Manager and the City Auditor, Mr. Harrison, had recommended that the City not take over the system. Mr. Norman Barker stated the requirement of the 6% return to the city is independent of whether or not the assets equal the liabilities.

This may be a new concept to Mr. Davenport, but this is the rationale applied by the City when it assumed 3 or 4 districts starting in 1963. This has been the custom and procedure of the City in the past, and the City still maintains the rates on those districts. Those are the water rates charged to the customers; however, this started 10 years ago, where there was City money involved in the purchase, and there needs to be reasonable assurance that this would be a good deal for the citizens of Austin. Mr. Davenport stated the City would be getting a million dollar system for a half million dollars. The requirement of a 6% return in 5 years was mentioned. This would be impossible for the Water District. If it were 10 years, they could guarantee this. They do not feel this is a fair requirement. They have a Board not being paid. They are asking to cease unnecessary duplication of little governments on the boundaries of the City, which do what the City can do better and cheaper. The area has been blighted because they do not have the right kind of supervision and control, especially in regards to the sewer system. The area near Bergstrom Field needs control.

Councilman Dryden said that if the district is solvent and would make money for the City, perhaps he should review this with Mr. Barker and Mr. Harrison. The sewer problem is there and the Water Quality Board will control that part. Mr. Harrison explained that Mr. Davenport's audit is dated January 31, 1973. While this would improve the District's financial position as far as being solvent, it would not change to any material degree the projection of future growth based on information provided by Mr. Johnson.

Mayor Butler asked Mr. Davenport when he could come back and let them take another look at this. Dr. Dryden stated this should be looked at very carefully, as there was quite a bit of growth in this area. Mr. Davenport could come back in July, as the audit was in June.



## CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

## Light Duty Trucks:

INTERNATIONAL HARVESTER CO. Austin, Texas	Bid Items 1-3, 7-28, 30, 31 - \$181,930.93
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols moved the Council adopt a resolution awarding the following contract:

## Light Duty Trucks:

McMORRIS FORD, INC. Austin, Texas	Bid Items 4, 5, 29 - \$11,031.67
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols moved the Council adopt a resolution awarding the following contract:

GLOBAL FABRICATORS DIVISION Kaufman, Texas	Galvanized Steel Structures - \$8,055.00
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols moved the Council adopt a resolution awarding the following contract:

## Unit Substations

FEDERAL PACIFIC ELECTRIC CO. San Antonio, Texas	Bid Item 1 - Four each Unit Substations \$515,760.00
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols moved the Council adopt a resolution awarding the following contract:

Unit Substations:

McGRAW EDISON POWER                      Bid Item 2 - \$102,811.00  
SYSTEMS DIVISION  
Corpus Christi, Texas

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN ENGINEERING COMPANY              Capital Improvements Program Project  
Austin, Texas                              No. 3067 1  
For Electric Ductline at Pedernales  
Substation - \$144,620.70

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden  
Noes: None

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Councilman Nichols noted some items on which McMorris Ford did not bid. International Harvester was awarded the bid as there were no other bidders. He inquired why there were no other bidders.

City Manager Davidson stated the Director of Purchasing and the Fleet Administrator conducted some additional meetings with potential bidders to try to work this out. Mr. Rogers stated that McMorris Ford said they could not obtain factory assistance on the majority items as the reason they did not bid; and some of the items they did bid on were panel type trucks that International does not build. Because McMorris could not get factory assistance they did not bid as they would be non-competitive. The City Manager stated that Mr. Rogers and Mr. Bennett were meeting with potential bidders before the bids were received; and if it turns out this way, to meet with them afterwards so that the City could be certain it did not miss a bid, or that there was no problem in the specifications that needed

to be changed. Mr. Rogers stated they were very much concerned -- one company failed to get their bid in - one was bidding on other units.

#### SELECTION OF TESTING SERVICE

Councilman Nichols moved the Council adopt a resolution selecting TRINITY ENGINEERING TESTING CORPORATION for Soils Investigation and Engineering Testing Service in connection with the following Capital Improvements Program Projects:

Boggy Creek Wastewater Interceptor and Lift Station - Project No. 5069 0

Walnut Creek Wastewater Interceptor - Project No. 5047 2

Jollyville Reservoir - Project No. 4066 0

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilmen Dryden, Nichols

Noes: None

#### CALLING OF MUNICIPAL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 7, 1973 FOR THE PURPOSE OF ELECTING SIX COUNCILMEN AND A MAYOR OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1973; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen  
Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Out of Room

at Roll Call: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## CHARTER AMENDMENT ELECTION

The Council discussed the various proposed amendments to the City Charter as recommended by the Charter Study Committee, and as prepared by the City Attorney. On amendment number 1, Councilman Nichols asked who was going to set the boundaries of the districts. The City Attorney said that would have to be done by an ordinance sometime prior to the 1975 election by the Council at that time. It would have to comply with the one-man, one-vote rule for equal districts.

Mayor Butler suggested that amendment number 4 should state that the age was being lowered from 25 to 21 years, and reduce residence requirements from 3 years to 12 months. He also suggested that amendment number 4 be listed as number 3 and that number 3 be listed as number 4. This would put major changes and controversial issues at the top of the ballot.

Councilman Nichols suggested amendment number 9 on Municipal Court not cause a dilution of Council power. Presently the Council appoints the judges of the Municipal Court at the pleasure of the Council. The change would be to a 2 year term.

On item 14, there was some discussion of the definition of a taxpayer, and whether non-taxpayers should become members of the Planning Commission. After further discussion, it was decided to have a special meeting of the Council on Monday, March 5, at 5:00 P.M., to make a final decision on the amendments.

## PARKING METER AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967; CREATING AN AIRPORT ZONE FOR PARKING METERS; ESTABLISHING TIME LIMITS THEREFOR; REGULATING THE MANNER OF OPERATION OF METERS IN THE AIRPORT ZONE AND OF ALL METERS ON SATURDAYS; PROVIDING ADDITIONAL AUTHORITY TO THE TRAFFIC ENGINEER; WAIVING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes:	Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler
Noes:	None
Out of Room at	
Roll Call:	Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## REVISION OF ELECTION PRECINCT BOUNDARIES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 700219-I CONFORMING THE BOUNDARIES OF VOTING PRECINCTS IN THE CITY OF AUSTIN TO THE BOUNDARIES OF THOSE VOTING PRECINCTS OF TRAVIS COUNTY WHICH ARE WITHIN THE CITY; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen  
Lebermann, Handcox, Mayor Butler, Councilman Dryden  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## BICENTENNIAL CELEBRATION

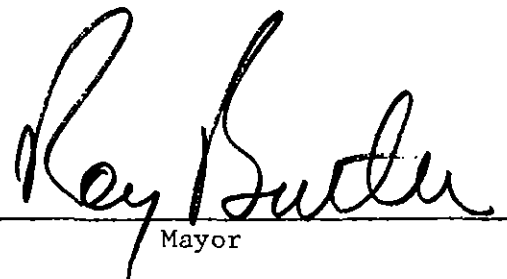
Councilman Lebermann moved the Council set up structure and general program recommendations for the Bicentennial Celebration. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilmen Dryden, Nichols  
Noes: None

## ADJOURNMENT

The Council then adjourned.

APPROVED:

  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk